NEO-CENSORSHIP IN U.S. LIBRARIES

An Investigation Into Digital Content Suppression

LIBRARY FUTURES

Library Futures is the vanguard nonprofit organization uncovering and confronting the fundamental policy issues that threaten libraries in the digital age. We believe librarians, policymakers, and community leaders deserve a new approach to digital rights so they can protect, advocate for, and advance a fair digital future for libraries and the communities they serve. Library Futures meets this need with fresh research, visionary policy and advocacy initiatives, and engaging education programs.

Library Futures is a project of the Engelberg Center on Innovation Law & Policy at New York University School of Law.

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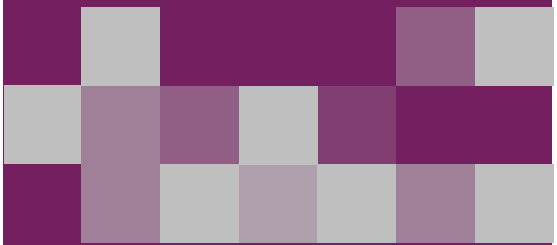
WARNING

This report contains references to sexual content, hate groups, rape, incest and sexual abuse, gun violence, racism, genocide, and other violence. Library workers in need of support with the legal and psychological safety issues discussed here are encouraged to contact these organizations:

OFFICE FOR INTELLECTUAL FREEDOM:
ala.org/aboutala/offices/oif

FREEDOM TO READ FOUNDATION:
ftrf.org

URBAN LIBRARIANS UNITE:
urbanlibrariansunite.org



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EXECUTIVE SUMMARY

This research report demonstrates increased legislative pressure for schools and libraries to censor digital library resources, often in the guise of parental rights or protection of minors from "pornographic" materials, resulting in an increase in self-censorship among librarians, as well as increased use of filters and search stopwords that restrict or severely limit access to large swaths of important and formerly uncontroversial content. The report also demonstrates significant and seemingly willful conflation of obscenity and mainstream media, identifies several instances of false allegations and doctored images used to restrict access to library content, and finds zero evidence that students use library e-resources such as databases to retrieve pornography or sexually explicit content. While 2023 marked the highest number of recorded physical book bans, attacks on access to digital content beginning in 2018 established a censorship playbook that has been successfully replicated for all types of content, including the widely publicized Moms for Liberty campaigns.

Library database content—the closed, vended content repositories that students use at the instruction of their teachers to research topics like biology and zoology, historical figures, and current events—has increasingly been targeted by small but organized groups who have framed it as sexually explicit or age-inappropriate in order to challenge, restrict, or entirely remove student access to information. While most coverage of the wave of content challenges in libraries focuses on physical materials and individual titles, database and digital content censorship—referred to by *The Washington Post* as "the next book ban"—are of increasing concern to libraries across the United States (Natanson, 2022).

To better understand the impact of the current climate of content bans on libraries' digital collections, Library Futures used multiple methods to investigate recent legislation, litigation, and policy impacting library collections. We conducted interviews with librarians and consortia leaders from across the United States, visualized legislation through geography and time, analyzed hours of footage of legislative hearings, and reviewed five years of public reports on student information-seeking behavior. The resulting report reveals a disturbing trend of *neo-censorship*, defined as "a kind of control on opinion that moves beyond the traditional model—that of the state, the law and the secret policeman. Today's censors can be found in big business, courtrooms, schools, newsrooms. They block ideas out of habit, or prejudice or fear and often in secret" (Jayasekera, 2008).

REPORT GOALS

- To investigate how informal and formal challenges to digital content are handled by libraries, consortia, and vendors.
- To describe current and prior legislation and litigation impacting policy and procedure development in this area.
- To analyze situations that prompt database challenges and digital content bans.
- To understand the impact of these activities on libraries, librarians, and library communities.

NEO-CENSORSHIP:
a kind of control on opinion that moves beyond the traditional model—that of the state, the law and the secret policeman. Today's censors can be found in big business, courtrooms, schools, newsrooms. They block ideas out of habit, or prejudice or fear and often in secret.

KEY FINDINGS

1 BOGUS CLAIMS

Challenges against "porn" in library databases are not only unsubstantiated—they are sometimes purposeful acts of disinformation presented with false narratives about the source, context, or character of the information.

2 NORMAL SCHOOL USE

Despite the claims from censorship advocates that minors use library databases to access porn, there is no evidence to support this claim, as well as more than five years of evidence from Utah demonstrating that students use databases to conduct normal and assigned student research.

3 SELF-CENSORSHIP

Increased content bans and the threat of worrisome legislation have a chilling effect on libraries, with librarians reporting "self-censorship" even when content hasn't been challenged.

4 LOCAL CONTROLS

Database providers have implemented more local controls as a result of the EBSCO pornography accusations, resulting in an increased use of overly restrictive stopwords and other filtering that limits minors' access to critical information, particularly health and race information.

5 INFLUENCE AND ESCALATION

High-volume content challenges often originate from a single or small number of sources that wield disproportionate influence through use of social media or capturing the attention of an authority figure. These challengers often circumvent established policies and procedures to rapidly escalate their threats.

6 HARMFUL TO MINORS

Claims of pornography in library materials are based on discriminatory ideologies that can negatively impact children's learning, civil rights, and wellbeing. However, students recognize the real harm in censorship and are one of the most powerful change agents when advocating for or against legislation impacting library collections.

BACKGROUND

WHY DATABASES? WHY NOW?

Book challenges have garnered a significant amount of attention in the press and on social media since at least 2020, when Christian and right-wing groups like Moms for Liberty began distributing lists and challenging books en masse under the broad banner of "parental rights."

"They realized no one knew what a database was, so they really pivoted towards books. And they could read and hold them up."

— Study Participant

Less widely covered is the earlier, and still ongoing, wave of challenges that similar groups have made to databases in court, in state legislatures, and in local communities. These challenges are more widespread and more impactful than initially reported.
A "database challenge" can be defined as a targeted attack against online resources purchased from vendors by schools or libraries in order to provide legitimate research materials to students and the public. Library databases contain indexed magazines, academic journals, and e-books. The database attacks discussed in this report began around 2016 and continue today.

Branches of the new "parental rights' movement" responsible for increased book challenges have also been making the case to state lawmakers that it is a moral imperative to censor and politically interfere with libraries' publicly purchased collections. These groups have placed pressure on private database companies to censor their collections in order to do business with libraries at all (Zubrzycki, 2017). This activism comes amid a larger culture war that has seen an enormous increase in the number of challenges to resources in library collections and calls for the banning of certain titles deemed "offensive," "inappropriate," or "obscene" (PEN America, 2022). The current wave of content challenges aligns with what Emily Knox described in *Book Banning in 21st Century America* as "discourse concerning the decline of society, the role of public institutions in the local community, the role of parents in children's lives, and the innocence of childhood" (2015).

While book challenges can have significant impact on a library's or school district's resources, the impact of book challenges on minors' access to information pales in comparison to the database allegations discussed in this report. With the click of a button, censors can wipe out access to crucial resources for hundreds of thousands of people at once, as happened in Utah, when K-12 EBSCO databases were shuttered overnight for 650,000 students because of one person's complaint.

While some censorship advocates continue to speak out about the harms of library databases (Paterson, 2020), many have focused their obscenity lens on individual book titles. As multiple participants in this study pointed out, books present less of a learning curve when compared to research databases. As one study participant said, "They realized no one knew what a database was, so they really pivoted towards books. And they could read and hold them up."

This confusion may have similarly led to widespread underreporting of the issue—while individual book challenges can be counted, it is more difficult to quantify chilling effects on research databases, the "soft censorship" that results from blocking access to materials rather than removing them from the shelf. At the same time, no digital content provider is immune from these attacks. Activists have harassed EBSCO Information Services, Gage, ProQuest, Cengage Group, and Follett Content Solutions. Pulling a book from a digital shelf is one form of censorship; immediately blocking all access to thousands of documents due to threats presents a different and perhaps more insidious kind of harm.

In our research, we heard stories of student searches returning no results when seeking to find crucial and legitimate information on human sexuality, gender, race, ethnicity, and orientation.

> "For the amount of challenges that they have in print materials in the schools and public libraries here, it's very rare that the people making the challenges also look at the digital collections, so it's a very myopic view. We have the same titles on the shelves in the digital collections, but I think that's an interesting observation that they can sit wide open in digital collections… and not a peep."
>
> — Study Participant

Pornographic materials are already prohibited in schools and libraries through the Children's Internet Protection Act (CIPA), which was signed into law more than two decades ago and requires filters on digital materials that could potentially be harmful to children if a school or library is receiving federal funding (Federal Communications Commission, 2024). In the American Library Association's 2001 opposition to the bill, former ALA President Nancy Kranich asked: "Who would you trust more to guide children to quality materials… your librarian or an employee of a dot.com filtering company? Families have been turning to their libraries for the best information for more than a century."

Although expensive and time-consuming (Baron, 2014), CIPA has been in effect through multiple generations of students. At the same time, the rise of at-home computing and access on laptops and phones means that it has become increasingly difficult for parents to monitor their children's internet use. It goes without saying that a student seeking inappropriate materials would be unlikely to start a search on their school's library database, but citing "obscenity" provides these parents a semblance of control, even though there is no evidence that students are inappropriately using school library databases.

In our research, we heard stories of student searches returning no results when seeking to find crucial and legitimate information on human sexuality, gender, race, ethnicity, and orientation; the impact of public exposure of student search results in Utah; litigation that cost library consortia tens of thousands of dollars; circus-like legislative hearings; and, most crucially, a shifting, overbroad definition of "pornography" and "obscenity" that severely restricts access for millions of students around the country in order to criminalize and stigmatize youth, particularly those who identify as LGBTQIA+ and/or Black, Indigenous, and People of Color (BIPOC).

Both digital and physical censorship continue to be on the rise. Understanding the censorship playbook is crucial to encouraging the right to read. This report aims to educate as well as provide meaningful next steps for librarians, parents, and students.

Because of one person's complaint in Utah, K-12 EBSCO databases were shuttered overnight for

650,000 STUDENTS

PRE-2020 DATABASE ALLEGATIONS

A 2018 civil lawsuit against EBSCO Industries, Inc., and Colorado Library Consortium is dismissed with prejudice, but the chilling effect of the lawsuit sets the tone for a wave of neo-censorship as “pornography” allegations begin to infiltrate school and public libraries across the United States.

2013
February
National Center on Sexual Exploitation (NCOSE) introduces "Dirty Dozen List," including American Library Association for stance on Internet filtering

2017
February
NCOSE places EBSCO on its "Dirty Dozen List," citing "easy access to hardcore pornography sites and extremely graphic sexual content"

2018
September
School district preemptively removes EBSCO databases from resource collections in schools and libraries amidst legal threats from parents

2018
October
Pornography Is Not Education (PINE) sues Colorado Library Consortium and EBSCO citing "obscene" materials in school databases

2019
February
PINE lawsuit is dismissed with prejudice; all parties agree to waive rights to further legal action regarding the claims

In 2017, the National Center on Sexual Exploitation (NCOSE, known as Morality in Media from 1968 until 2015) announced "one of the greatest scandals ever covered" on their blog. The post accused library and educational database vendor EBSCO Industries, Inc., of providing students access to pornographic materials from its databases, which are used by schools in 49 states.

As of 2023, EBSCO Information Services (a subsidiary of EBSCO Industries, Inc. commonly referred to simply as EBSCO) was "the nation's leading provider of research databases, library technology, and education materials for the K-12 audience and higher education" (Dziak, 2024). It is used in 49 states. EBSCO's school databases allow students to find general information and to research current events from a wide variety of newspapers, magazines, and academic journals. Every single student in the United States does online research, and taxpayers pay for contracts with long-established and reputable vendors in order to provide access to quality teaching material, with EBSCO at the top of the list.

"Via a system that bypasses school Internet filters, EBSCO brings the dark world of XXX to America's elementary, middle, and high school children."

— National Center on Sexual Exploitation

The blog post was part of what NCOSE describes as its "Dirty Dozen List," an annual project started in 2013 that purports to name 12 American brands, companies, and organizations that are "major contributors to sexual exploitation." Their accusations of "pornography" cast a wide net: In 2017, NCOSE named Amazon, *Cosmopolitan,* and HBO alongside EBSCO. The NCOSE website boasts "major victories" changing policy and practice at previous "Dirty Dozen" entities, including at Walmart, Google, TikTok, and the U.S. Department of Defense (2024). In "A Decade in Review," the organization defined several Dirty Dozen victories, which included the exclusion of pornographic magazines at U.S. Army and Air Force exchanges; removal of the annual Sports Illustrated Swimsuit Issue from checkout and promotional display areas in CVS; and removal of *Cosmopolitan* magazines from checkout lines at Walmart stores across the United States (Halverson, 2023). The legitimacy of NCOSE's claims of influence should be taken with a grain of salt, however. For example, the Associated Press reported in 2013 that while Playboy and Penthouse magazines were removed from the military stores, a representative for the Army and Air Force Exchange Service attributed the change to "falling sales" and better utilization of limited physical space (Crary, 2013).

NCOSE's inclusion of EBSCO on its Dirty Dozen List in 2021 (its second year on the list) includes a description of the library vendor's "significant progress" toward decreasing its contributions to "sexual exploitation." Although NCOSE does not define what it classifies as "pornographic terms," it seems to describe use of custom stopwords to remove information from the K-12 databases, suggesting that someone has effectively blacklisted some search terms, preventing them from retrieving any results: "Just two years ago basic searches for innocent search terms like "7th grade biology" or "respiration" would yield results with pornographic images or explicit instructions on risky sex acts. Now, searches for even pornographic terms often yield no result in these databases." NCOSE has provided

no evidence for this claim. NCOSE also notes (emphasis in original), **"EBSCO places most of the responsibility for removing such content on school and library administrators."**

What the organization describes as "pornography" in EBSCO is often academic articles about sex-related topics, as well as articles in popular magazines (such as *Cosmopolitan*) and ads contained within the indexed content.[1] Often, the objections relate to hyperlinks located by scouring bibliographic links in articles and then connecting to third-party sites. Still, following its 2017 appearance on the Dirty Dozen List, EBSCO conducted an internal audit, increased filters and local controls (2022a), released a statement about how their content is selected (2022b), and found their way off NCOSE's Dirty Dozen List in 2020, 2022, and 2023—but the chilling effect of similar allegations and content challenges grew significantly in the interim and continues today.

Colorado has been ground zero for the intellectual freedom wars raging in libraries across the United States over the past ten years. Court documents, newspaper articles, and professional publications paint a picture of a state held hostage by bad actors. Although censorship has been an issue in schools and libraries for a long time, the fervor, tenor, and reach of today's challenges feels distinctive (Steele, 2020).

The American Library Association (ALA), called "a major contributor to sexual exploitation" by NCOSE due to its anti-censorship stance, has appeared frequently on the Dirty Dozen List since 2013. On its website, NCOSE cites "proof" of "child exploitation" by the ALA that consists of a list of news articles about students accessing pornography on the open internet and a "playlist" of videos that purports to show children accessing porn on library computers but in fact links to a single 15-year-old video of someone using Google in a public place (2017).

Although preliminary 2024 data from the ALA show a decrease in the number of reported book challenges (which reached their highest numbers in 2023) the report notes the additional impact of "soft censorship" in which "books are purchased but placed in restricted areas, not used in library displays, or otherwise hidden or kept off limits due to fear of challenges [as well as situations where] books have been preemptively excluded from library collections, taken off the shelves before they are banned, or not purchased for library collections in the first place." Database restrictions are a form of "soft censorship," referred to in this report as self-censorship. Rather than explicitly pulling materials from a shelf, challenges to digital content result in limited search results due to stopwords, content blocks, filters, and self-censorship. Because the mechanisms and decision-making behind database restrictions are often opaque, this form of censorship can be significantly more wide-reaching than restricting access to individual books.

1 For example, a video on the NCOSE website shows a "parent" in Durham, NC, demonstrating "just how easy it is to find pornography on EBSCO" in 2020. The search for "pornography" pulls up five results, most of which are definitional. As evidence, she points to a book indexed by EBSCO called Porno-Graphics and Porno-Tactics, an academic text published by Punctum Press in 2016 and free for download on their website. She does not show the supposed "controversial images," but a review of the book brings up five softcore images from a 2002 lesbian art film toward the end of the text. These images are also readily available online.

In 2018, before the well-publicized rash of far-right extremist pressure groups[2] distributing book ban lists and rallying community members to submit challenges to libraries, two Colorado parents (operating under the name Pornography Is Not Education, or PINE) made claims about pornography on EBSCO and other educational databases that set the tone for this age of neo-censorship,[3] which has found footing through the use of misinformation and intimidation. The PINE parents filed a lawsuit[4] that became the first documented intellectual freedom challenge to a library research database (LaRue, 2018).

After two years' of what these Colorado parents described as being ignored and "threatened" by school representatives (MassResistance, 2017), the parents began to capture media attention in 2018 with allegations of "pornography" in EBSCO school databases. Colorado news outlets aired the parents' story with click-bait headlines and described their first "very innocent search on biology" as resulting in "stumbling on pornography" (FOX31 Denver, 2018). The alleged porn they found was an article titled "Orgasms for All." There is no evidence in the news coverage that journalists covering the story attempted to replicate the parents' searches or verify whether the article could accurately be described as "pornography."

Although they initially claimed in 2017 that they would maintain access to EBSCO (Ackerman, 2017), the Colorado school district where the threats originated (Cherry Creek School District) quickly reversed course amidst legal threats from the parents' attorneys and "ditched" EBSCO databases (Stringer, 2018). According to documents published by the Colorado Library Consortium (CLiC), it was at this point that PINE, the parents' non-profit, shifted its legal efforts to instead focus on CLiC, a non-profit organization that enables resource sharing, cooperative purchasing, and continuing education for Colorado libraries (2024).

In October 2018, PINE—represented by the Catholic legal aid group Thomas More Society—sued CLiC and EBSCO claiming they knowingly made pornographic materials available to children through EBSCO school databases (Whaley, 2018). The complaint alleged EBSCO and CLiC knowingly provided sexually explicit, obscene, and harmful materials to school children—or, as a Thomas More Society representative said to *The New American*, the defendants "ply children with pornography" (Bohon, 2018). The plaintiffs sought relief for violations of the Colorado Consumer Protection Act, claiming the defendants "knowingly or recklessly engaged in unfair or deceptive trade practices" and for civil conspiracy. EBSCO denied the allegations (Whaley, 2018).

> "To be clear, EBSCO does not include pornographic titles in its databases, embed pornographic content in its databases, or receive revenue for advertising for any organization… We are appalled by the tenor of the allegations related to our intent and the inaccuracies of statements clearly made in absence of factual information."
>
> — EBSCO Information Services

2 For example, the Southern Poverty Law Center named Moms for Liberty an extremist group with anti-government and "anti-student" ideologies.

3 Unlike traditional forms of censorship, which are enforced by the state, journalist Rohan Jayasekera defines neo-censorship as content suppression in schools, libraries, and newspapers stemming from a chilling culture of fear and intimidation.

4 Pornography Is Not Education v. EBSCO Docket

Despite the media attention, the PINE lawsuit was dismissed with prejudice in early 2019 (Wingerter, 2019).[5] While the case was not decided on its merits, it ushered in a chilling effect on content management in schools and libraries due to this new threat of frivolous litigation, which has continued to the present. In a statement to The Denver Post, CLiC Executive Director Jim Duncan said the lawsuit cost the consortium approximately $35,000, "which would supply a small library with new materials for seven years" (Wingerter, 2019).

The PINE parents have continued to allege EBSCO contains pornography while also accusing educational database provider Cengage of linking to "hardcore porn videos" through GALE Opposing Viewpoints database and accusing OverDrive of "streaming hundreds of pornographic ebooks" (Paterson, 2023). These allegations have been made extensively on social media, on their own website, in Christian media, and in public testimony (PINE, 2024b; Maine Source of Truth Podcast, 2024; Colorado General Assembly, 2019). While not a legal or even a widely accepted social definition, "pornography" continues to be used as a rallying cry for recruiting additional complainants and generating media attention. This overbroad definition of pornography includes any mention of LGBTQIA+ issues, nudity, or human sexuality. *The Washington Post* reported examples of supposed pornography in databases to include an image of two women kissing and an allegation of detailed information about "sex toys" that could not be replicated (Natanson, 2022).

As pressure groups expanded book banning campaigns across the United States, PINE's home turf—Colorado's Cherry Creek School District—made news again in October 2023 when ~200-300 people attended a school board meeting to advocate in support of the school board and school libraries amidst a national campaign by the Colorado Parent Advocacy Network, Turning Point USA, and others accusing the school once again of making pornographic and sexually explicit content available in school libraries (Oh, 2023b). Attendees "insist[ed] that critics of controversial library materials are spreading misinformation about books associated with sexuality," as well as who has access to them. This public meeting came in the wake of a related threat to bomb multiple buildings in the Cherry Creek School District (Oh, 2023a).

5 CLiC's motion to dismiss stated the organization was a public entity protected from tort liability under the Colorado Governmental Immunity Act. EBSCO's motion to dismiss centered on PINE's failure to support allegations of consumer fraud and civil conspiracy and questioned PINE's standing to sue EBSCO. As such, attorneys for the defendant argued the court lacked subject matter jurisdiction and must dismiss the case, mandating PINE pay CLiC's attorney's fees. In the stipulation to dismiss, all parties agreed to pay their own costs and attorney's fees.

Libraries and patrons have been greatly troubled by this emerging legislative agenda. The bills often share similar features that stand in sharp contradiction to longstanding library values.[6] Some erode patron privacy protections, while others, including a law passed in Texas in summer 2023 that was overturned early in 2024 (Albanese, 2024a), pose serious questions about the First Amendment. Some legislation even seeks to expose librarians to criminal liability (Natanson, 2023). Where do these challenges fit within the broader legal and cultural landscape, and how do they impact librarians and patrons on the ground? The next section in this report examines trends in state legislation introduced or enacted with the intent to remove content from libraries and the bogus claims made about both database content and student database use. We also look at the deleterious effects content challenges and bans have on libraries and their communities, from wasting staff time and taxpayer resources to creating a culture of self-censorship among librarians and administrators. Finally, we explore how communities—and students—have fought back against the ongoing and escalating attempts to restrict or remove their access to information.

6 The American Library Association Code of Ethics offers a guide to inform ethical decision-making for the profession (2021b).

FRIVOLOUS LITIGATION

A 2018 lawsuit cost the Colorado Library Consortium approximately $35,000, "which would supply a small library with new materials for seven years."

Rather than explicitly pulling materials from a shelf, challenges to digital content result in limited search results due to stopwords, content blocks, filters, and self-censorship.

PART

1

LEGISLATIVE TRENDS

Part I of this report highlights states where access to digital collections has been tested by litigation and legislation. We will dig into events from the past ten years and discuss what we can learn from various states—not just those seeking to restrict intellectual freedom but also from those who are mobilizing in the struggle for the right to read. For this report, we analyzed 178 state bills with the potential to impact digital content introduced between January 2021 and September 2024, many of which share similar features. We explore these commonalities in the section, "How Do These Laws Work?" to better understand their civil, criminal, and contractual implications.

In this part, we also discuss:

- The legal standard for pornography and obscenity,
- A subset of state bills allegedly informed by model censorship legislation by an organization that has accused multiple library vendors of providing pornography, and
- Texas House Bill 900, a book ratings law found to be an unconstitutional violation of publishers' First Amendment rights.

U.S. LANDSCAPE: 2021–24

This section includes geographic and timeline mapping of 178 state bills introduced between January 2021 and September 2024. Bills selected for inclusion restricted library lending and/or digital collections, especially minors' access to content described as pornographic, obscene, harmful to minors, sexually explicit, sexually relevant, and/or related terms. Although we aimed for the samples analyzed for this report to be representative, it is not a comprehensive analysis of all legislation impacting U.S. libraries during this period.[7] Other organizations track and report on legislative trends in additional areas critical to librarianship, such as deprofessionalization of librarians through legislation impacting accreditation and prohibiting participation with professional organizations. [8]

Time and location data are included here as maps. The maps show all bills introduced, regardless of whether they did not pass, were enrolled, or were still in progress at the time of publication. A public dashboard with this data and links to all bills referenced in this text is available online.

At the start of our dataset in January 2021, we located five unique bills (in Indiana, Iowa, Minnesota, Nebraska, and Utah) that met our criteria for targeting, restricting, or censoring libraries' digital collections or the vendors that make them available (Figure 1).

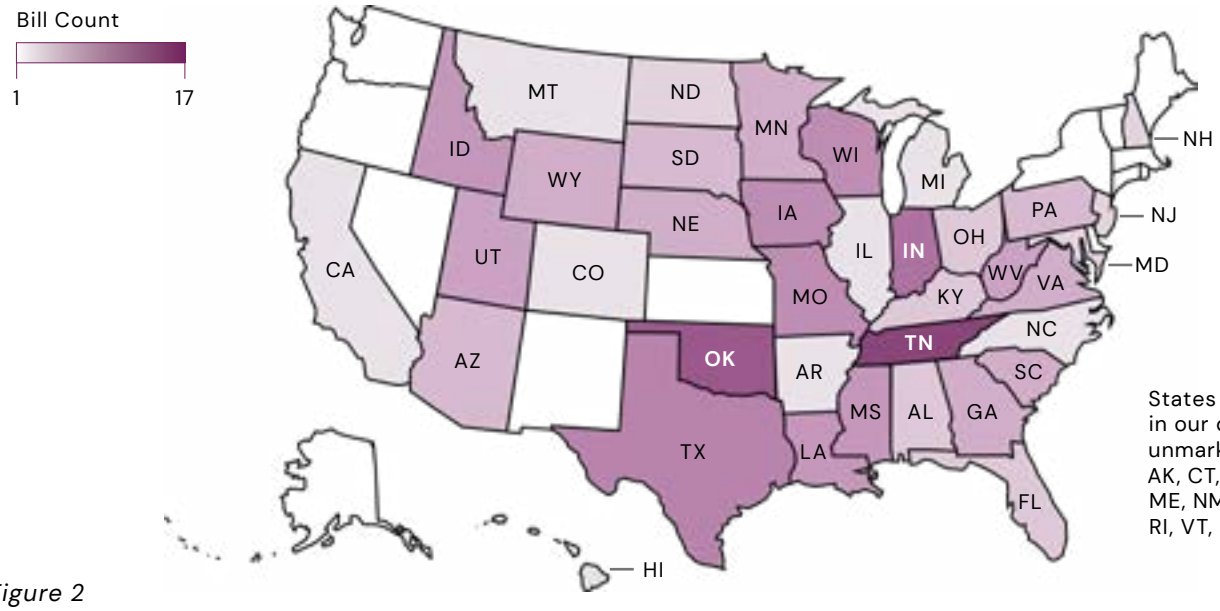
7 While many states were busy restricting access to information, several also introduced "right to read" bills meant to protect students' intellectual freedom (Jensen, 2023).

8 For example, EveryLibrary reports on state legislation in the annual Legislation of Concern bill tracker; ALA's Adverse Legislation In the States tracker is updated daily; and EdTrust maintains information on legislation and education policy.

BILLS JAN 2021

Figure 1

TOTAL BILLS FROM JAN 2021 TO SEPT 2024

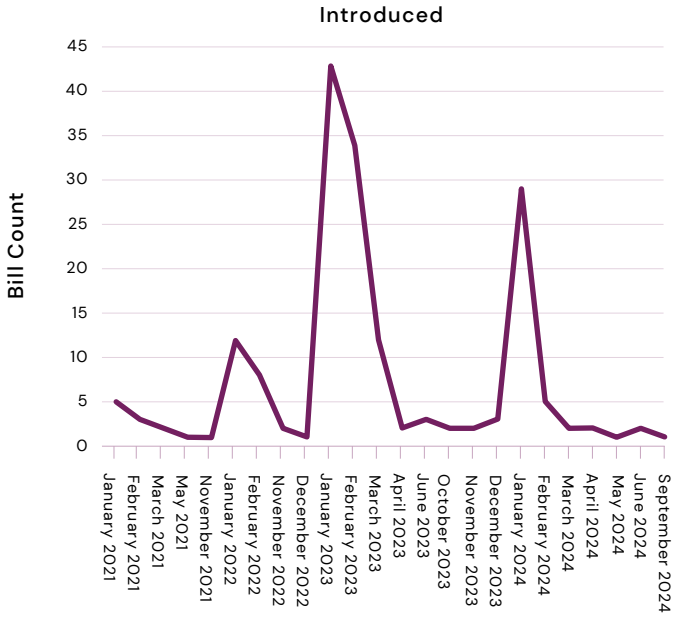


States with no bills in our dataset are unmarked. They are AK, CT, DE, KS, MA, ME, NM, NV, NY, OR, RI, VT, and WA.

Figure 2

At the end of our data collection in September 2024, legislation targeting library collections had been proposed in at least 37 states (Figure 2). In these maps, darker shading represents a higher number of proposed bills. In our sample, Tennessee was home to the highest number of bills targeting library collections (17), followed by Oklahoma (14), Indiana (11), and Texas (9).

BILLS BY MONTH



View our interactive dashboard online to adjust map or timeline data to a period of interest, or narrow bills to a specific region:

https://public.tableau.com/views/LFLegislation2025_Final/Neo-CensorshipinU_S_Libraries-LegislativeAnalysis

Figure 3: Running sum of bills introduced each month

ENROLLMENT STATUS BY STATE

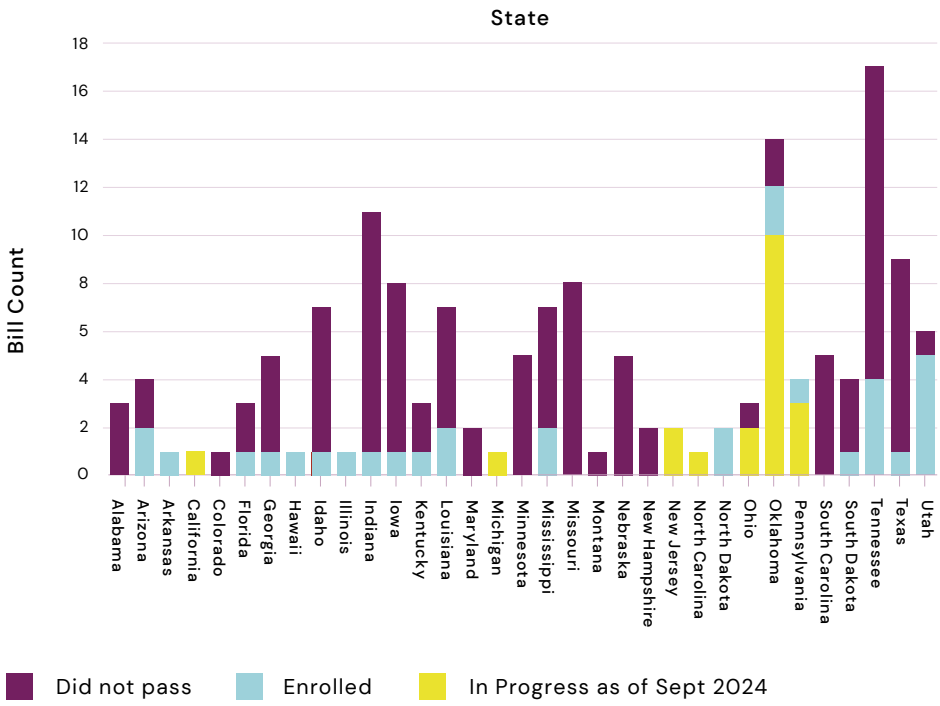


Figure 4: Chart showing number of state bills proposed from January 2021 to September 2024 that did not pass (purple), were enrolled (blue), or were in progress as of September 2024 (yellow).

HOW DO THESE LAWS WORK?

Due to the volume of bills in our dataset, the analysis that follows examines a subset of bills we will hereafter refer to as the PINE corpus. This collection of 17 bills from 13 states were highlighted on the Pornography Is Not Education (PINE) website with claims that the organization provided "model legislation, testimony and consultation" on the bills (2024a). Only six of the bills were enrolled at the time of publication.

Because several participants in this study revealed alleged connections between the PINE parents and censorship efforts in other states, and because the failed PINE lawsuit against EBSCO is the only known lawsuit of its kind, this subset of our data offered a useful vantage point from which to understand the broader legislative landscape. Bills included in the PINE analysis are listed and linked in Appendix A. They are classified[9] according to the following legislative goals:

1. Redefining obscenity, harmful to minors, and related terms
2. Removing education exemptions on distribution of materials with an educational purpose; enabling criminal and civil prosecution
3. Requiring material ratings systems for state vendors
4. Establishing collective development or reconsideration policies or procedures
5. Reducing or restricting access to library e-resources
6. Requiring parental controls and/or notifications for library materials

Most of the bills in the PINE corpus (16 of 17) fall into Classification one (i.e., Redefining obscenity, harmful to minors, and related terms). Classification five (i.e., Reducing or restricting access to library e-resources) saw the second-highest legislative activity with 13 bills, followed by Classification four (i.e., Establishing collective development or reconsideration policies or procedures) with eight bills. Classification six (i.e., Requiring parental controls and/or notifications for library materials) saw the least activity with three bills.

9 Classifications are based on EveryLibrary's Legislation of Concern, which tracks additional bills beyond the scope of this study to include teaching restrictions, defunding participation in library associations, and other efforts to de-professionalize and criminalize librarianship.

PINE CORPUS ENROLLMENT STATUS

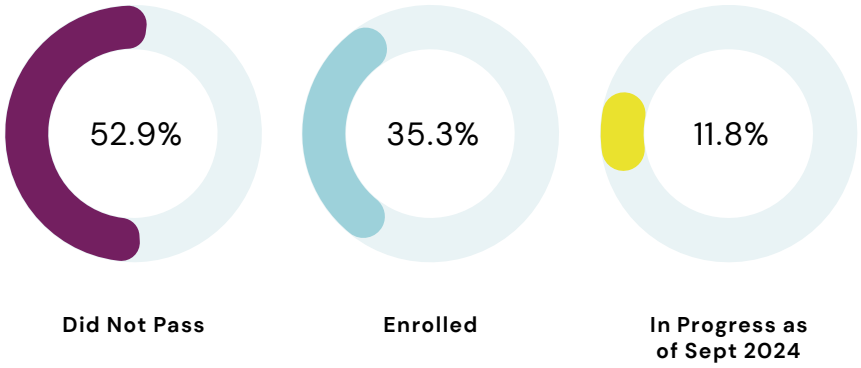


Figure 5: Chart showing number of state bills in the PINE corpus that did not pass (purple), were enrolled (blue), or were in progress as of September 2024 (yellow).

PINE CORPUS BILL CLASSIFICATION

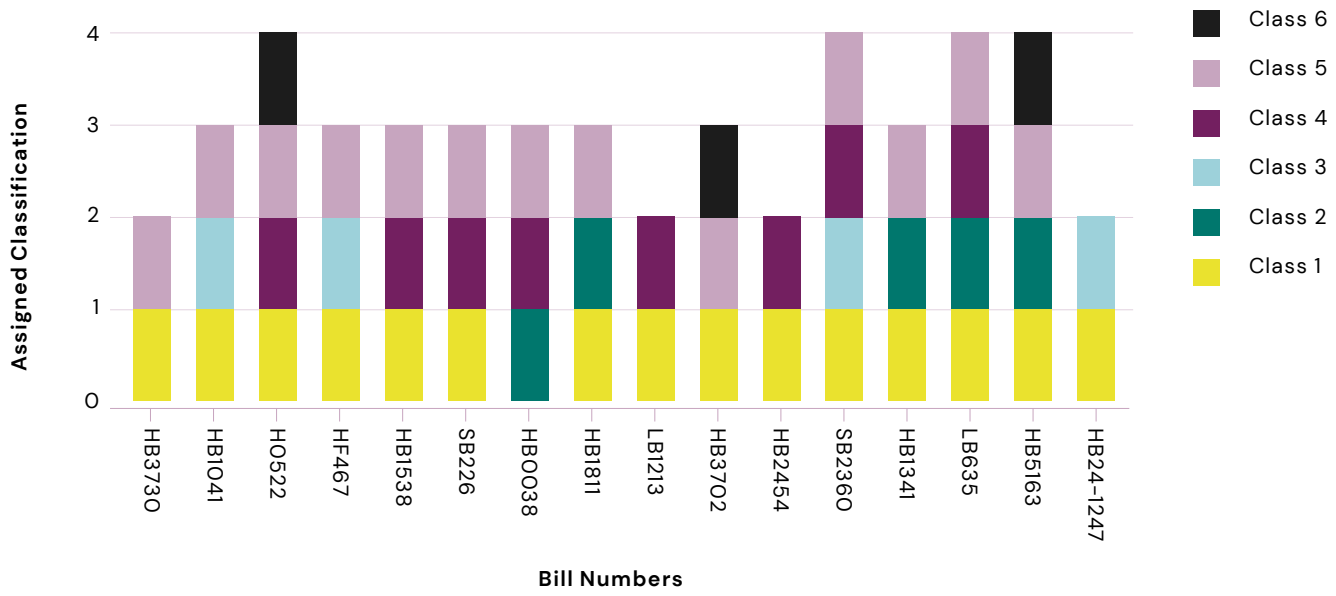


Figure 6: Each state bill in the PINE corpus with its legislative classification

Class 1: Redefining obscenity, harmful to minors, and related terms
Class 2: Removing education exemptions on distribution of materials with an educational purpose; enabling criminal and civil prosecution
Class 3: Requiring material ratings systems for state vendors
Class 4: Establishing collective development or reconsideration policies or procedures
Class 5: Reducing or restricting access to library e-resources
Class 6: Requiring parental controls and/or notifications for library materials

PINE CORPUS TOTALS BY CLASSIFICATION

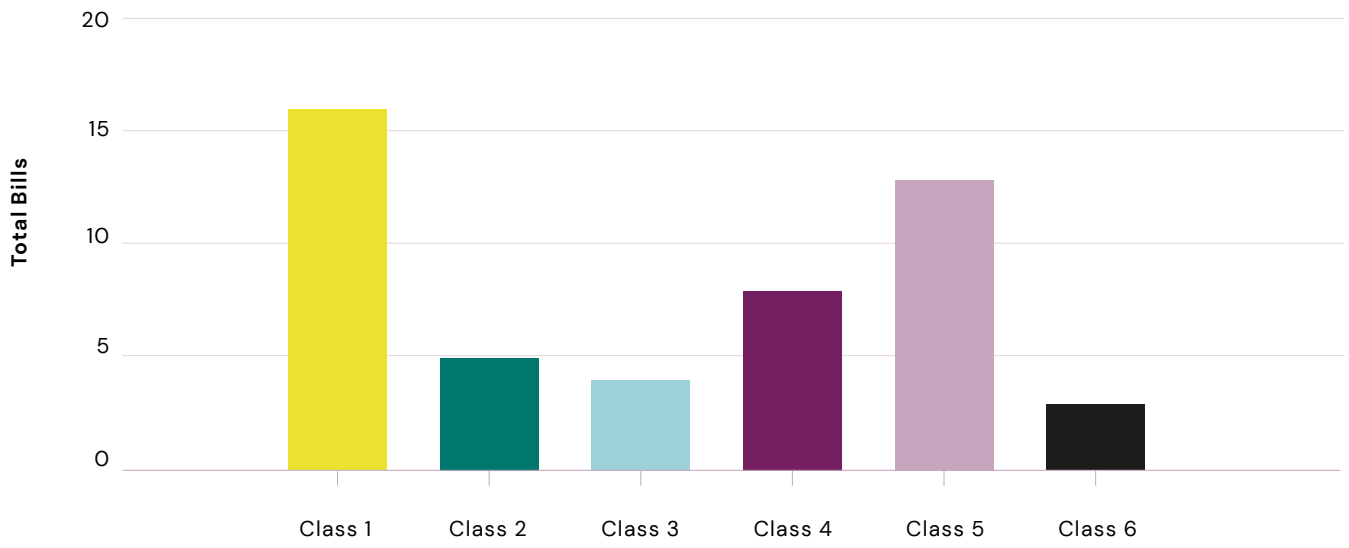


Figure 7: Chart showing total bills in the PINE corpus targeting each area of legislative classification.

Class 1: Redefining obscenity, harmful to minors, and related terms
Class 2: Removing education exemptions on distribution of materials with an educational purpose; enabling criminal and civil prosecution
Class 3: Requiring material ratings systems for state vendors
Class 4: Establishing collective development or reconsideration policies or procedures
Class 5: Reducing or restricting access to library e-resources
Class 6: Requiring parental controls and/or notifications for library materials

Below, we dive into a few of the elements of the PINE corpus, including redefining obscenity, enacting onerous reporting requirements, contract regulation, and opening up schools and libraries to civil and criminal liability. Other elements, such as reconsideration policies, will be considered later in the text.

REDEFINING OBSCENITY AND PORNOGRAPHY

In 1973, the Supreme Court adopted the Miller Test, which states that, in order to be considered obscene, a work must 1) appeal to prurient interest in light of contemporary community standards, 2) depict or describe, in a patently offensive way, sexual conduct defined in a relevant law, and 3) as a whole, lack serious literary, artistic, political, or scientific merit (Hudson, Jr., 2024). Another case, *Ginsberg v. New York* (1968) stated that obscenity applies more narrowly to minors than to adults.

There are legal definitions of obscenity in federal, state, and even local codes, but most of the PINE bills attempt to broaden what constitutes harmful material for children/minors.

Bills from Georgia, Minnesota, Oklahoma, Tennessee, Illinois, and Nebraska, which all cited state code, did not limit the definition of obscene to visual depictions and instead encompassed all material in any form, including music and literature. All but one (GA SB226) of the bills were aimed, at least in part, at digital or online resources provided by private entities to be used on behalf of the schools, as opposed to materials being made available solely by the school, such as at the library's physical collections.

Two bills, GA HB1041 and ID HO522, cited respective state criminal codes related to obscenity with dissimilar rationale. GA HB1041 was concerned with removing the library exception to the statute related to distribution of harmful materials to minors, while ID HO522 cited definitions for obscene materials and related terms, such as "minor," "nudity," "sexual conduct," etc. [10] The Idaho code definition for "harmful to minors" was dissimilar to the U.S.C. definition. Unlike the U.S.C. definition, the Idaho code went beyond "any picture, image, graphic image file, or other visual depictions" to include: "the quality of any material or of any performance or of any description or representation, *in whatever form*." (emphasis added) [11]

Of the six bills that included written definitions of these terms, only UT HB38 was passed and codified. It included a definition for "obscene or pornographic material" but not for materials harmful to minors. In fact, UT HB38 did not include the words "children" or "minors" at all, and instead referenced "public school students."

"I would like to see some type of penalties put in this [library censorship bill]. It seems like we have some districts that are more afraid about what some Supreme Court decision was many, many years ago than they are with the state law, especially with respect to bright line rules."

— State Senator John Johnson (Utah)[12]

10 GA Code § 16-12-103 (2019)

11 ID Code § 18-1514 (2019)

12 After enrolling Utah HB38, the state doubled down on censorship legislation with the introduction and enrollment of UT HB374 in 2022, though Senator John Johnson complained the bill did not go far enough in penalizing educators for distributing "sensitive material" to students (Cortez, 2023).

NON-COMPLIANCE AND BREACH OF CONTRACT

Many of the bills contained similarities related to safety policies and technological protection measures designed to block objectionable content, assurances for vendor compliance, and penalties for non-compliance, as well as requirements for written reports of non-compliance. The inclusion of provisions related to vendor non-compliance was common to these bills, with 12 of the 17 bills (~70%) having distinct sections which specifically mention the following:

1. The school/commission's right to **withhold payment(s)**.
2. Non-compliance with the provisions of the bill by the vendor is considered **breach of contract.**
3. The requirement of a school to submit written **reports** detailing providers' acts of non-compliance.

What follows is a demonstration of the similarity between these bills' structure and language. **Bolded words indicate identical language** while plain words list the extent of phrases used in the five bills:

An [entity] must have safety policies and technology protection measures that:

1. **Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials** [that are harmful to minors, child pornography, obscene materials, depict child sexual exploitation, constituting obscene performance or explicit sexual material]
2. **Filter or block access to** [obscene materials, materials harmful to minors, materials that depict the sexual exploitation of a minor, child pornography, explicit sexual material]

The above language and phrases in bold were not exclusive to these five bills; in fact, the phrases "prohibit and prevent" and "filter [and] or block access to" could be found in six additional bills (UT HB38, IN HB1538, NE LB1213, TN HB2454, MS HB1341 & NE LB635). That is, nearly two-thirds (64%) of bills in the PINE corpus implemented at least one of the two phrases in their safety policies and technology protection measure subsections. While this analysis does not definitively point to a single source on which this legislation is modeled, the bills are strikingly similar.

"If a provider of digital or online library resources fails to timely verify that the provider is in compliance with the requirements… the school district or public charter school may consider the provider's act of noncompliance a breach of contract."

— Idaho House Bill 522 (enrolled 2020)

While contract regulation is crucial for the future of technology and libraries, these bills subvert that important policy arena by adding unusual burdens on schools and libraries through provisions that do the following: require written reports on vendors; present subjective criteria that no vendor could comply with; present appeal or challenge process; likely conflict with federal law; and police trained professionals.

In their most extreme instantiation, these bills could make it impossible for any school district to purchase vetted digital research materials and databases, forcing students to turn to the open internet for research.

CIVIL AND CRIMINAL LIABILITY

"Under present law, it is a criminal offense for a person to produce, import, prepare, distribute, process, display, or publish, or appear in obscene material, or participate in an obscene performance. It is an exception to such offense that the obscene material is possessed by a person having scientific, educational, governmental, or other similar justification. This bill deletes educational justification from the exceptions."
—Tennessee House Bill 2454 (enrolled 2022)

In addition to similar provisional statutes concerning vendors, there were also shared provisions which gave parents or legal guardians (and minors in the case of NE LB1213) the right to bring civil action against vendors, schools, libraries, and even individual teachers and librarians who violated ambiguous safety policies and technology protection measures. These bills seek to overturn long-standing statutes that protect school and library affiliates from both civil and criminal charges. Most of these bills opened up schools and libraries to injunctive as well as financial and criminal penalties for distributing materials to minors that are already prohibited under law. The first attempt to remove schools' exemption status was made in Section 1 of GA HB1041 (2020). TN HB2454 also nullified the "educational justification exception," which exempted from prosecution those who were found to have possessed (and distributed) obscene material to minors with a "scientific, educational, governmental or other similar justification." The educational exemption could be used in a variety of contexts, including the study of art and literature, reproduction, or sexuality and development. Removing the educational exemption and opening up individuals and small, underfunded institutions to civil and criminal liability, while also expanding the definition of obscenity, means that librarians and teachers may think twice about teaching certain subjects or supporting student self-expression and development due to the threat of fines or imprisonment. Vendors may over-censor materials due to the threat of major fines, leading to a dearth of quality information on legitimate research subjects.

Removing the educational exemption and opening up individuals and small, underfunded institutions to civil and criminal liability... means that librarians and teachers may think twice about teaching certain subjects or supporting student self-expression and development due to the threat of fines or imprisonment.

CONTENT VETTING: THE WEAKEST LINK

Several of the bills in our larger dataset are facing legal challenges from LGBTQIA+ advocacy groups, book distributors, and publishers for their unconstitutional demands around content vetting. In the Midwest, lawsuits are underway in Iowa against Senate File (SF) 496—one led by "Big Five" publishers and another on behalf of the ACLU of Iowa and Iowa Safe Schools, an LGBTQIA+ advocacy group (Schilling & Cimina, 2024; Library Futures, 2024; Davidson & Garcia, 2024). The law redefined "age-appropriate" and "sex act," prohibiting school libraries from including any materials with descriptions or depictions of sex, impacting both digital and print materials. This included books by popular authors like Sarah J. Maas and Nobel Prize Winner William Faulkner, as well as Gregory Maguire's *Wicked*, now a major motion picture.

Texas House Bill 900, passed in Summer 2023, aimed to require vendors to develop and submit lists of materials in their databases that fall under a broad definition of "sexually explicit." The same law would have prohibited digital as well as print book vendors from selling their products to libraries unless they produced this list, which is not clearly defined. Texas bookstores, joined by multiple other organizations, sued shortly after HB900 was signed by Governor Greg Abbott in *Book People, Inc., v. Wong*. Donald Trump-appointed federal judge Alan D. Albright blocked the ratings law (also known as the READER Act) in what *Publishers Weekly* described as a "blistering opinion" (Albanese, 2023b):

> "[Texas House Bill 900] misses the mark on obscenity with a web of unconstitutionally vague requirements. And the state, in abdicating its responsibility to protect children, forces private individuals and corporations into compliance with an unconstitutional law that violates the First Amendment."
>
> — *Judge Alan D. Albright*

After some tug-of-war between the state and the courts, with schools, content providers, and book people hanging in the balance, the appeals court upheld the decision (Albanese, 2024a). In April 2024, the appeals court denied an appeal to rehear the case, and, despite urging from HB900's author to appeal to the U.S. Supreme Court, the State of Texas did not move the case forward (Texas Library Association, 2024; Patterson, 2024).

"[Texas House Bill 900] misses the mark on obscenity with a web of unconstitutionally vague requirements. And the state, in abdicating its responsibility to protect children, forces private individuals and corporations into compliance with an unconstitutional law that violates the First Amendment."

— Judge Alan D. Albright

While a new regulatory framework to censor content in Texas must await the 2025 legislative session, another First Amendment case in the state has captured the attention of the nation. Librarians, politicians, and censorship advocates are equally awaiting a decision in *Little v. Llano County*, first filed in April 2022, from the Fifth Circuit Court of Appeals, which heard oral arguments on September 24, 2024 (Albanese, 2024b). The lawsuit could have significant implications for libraries' abilities to curate both print and digital collections. The case has the potential to establish a dangerous precedent—that library collections are "government speech" that can be controlled by the government without violating the library communities' First Amendment rights.[13]

13 Little v. County Docket

LOOKING FORWARD

It bears mentioning that much of the content ban legislation in our dataset was not enrolled for a variety of reasons, including timing and concern over legal challenges. However, many bills are still expected to pass, and the national electoral shift to the right means the challenges have more of a chance of holding up in court. The landscape reveals a contentious battle that spans the legislature, the courts, and the libraries.

PART 2

KEY FINDINGS

From Fall 2023 to Spring 2024, we conducted in-depth interviews with 14 information professionals to collect qualitative data about digital content challenges and bans. Participants represented public, academic, and K-12 libraries across the United States. They were recruited based on presentations, committee memberships, and other publicly accessible contributions to topics of intellectual freedom, as well as via snowball sampling, which invited more participants from shared professional networks. A limitation of the study is that all library vendors who were contacted chose not to participate. One representative noted legal concerns. Another "decided to pass." Most did not respond to emails. The research was approved by New York University's Institutional Review Board.

KEY FINDING 1: BOGUS CLAIMS

Content bans are based on the false premise that there is rampant pornography in school library databases and bookshelves. Librarians and information technology teams haven't been able to replicate the database searches that ostensibly return pornographic results. Indeed, the language and litigation stemming from pressure groups reveals that content bans often originate with individuals and small ad hoc organizations that have ties to hate and extremist groups.[14] Rather than protecting children from obscenity, they work to silence marginalized experiences in ways that can do real harm to children's education and wellbeing.

In Colorado, CLiC disputed the validity of the content challenges leveled by organizations like PINE and NCOSE: "Hundreds of librarians across the U.S. have attempted to substantiate these claims about filthy content being streamed to children through school portals, and about licensed magazines that promote pornography and prostitution, or even the claims of live hyperlinks leading to escort service websites recruiting children. To date, librarians have failed to replicate or confirm the validity of such claims that databases are **full of pornography"** (2024, emphasis in original).

In Utah, a *single* claim of pornography lobbed against EBSCO resulted in the Utah Education and Telehealth Network (UETN) blocking access to EBSCO library and educational databases across the state for nearly a month in Fall 2018 to "review the resource"—derailing education and affecting more than 650,000 elementary and high school students shortly after the start of the school year (Jones & Pflaum, 2018b; Huffaker, 2018). When finally reinstated, the state had implemented multiple stopwords and limitations on access in addition to announcing plans to publicly publish student search terms quarterly (Utah Education Network, 2018). This incident is detailed in the next section.

14 "The Year in Hate and Extremism 2022" by the Southern Poverty Law Center identified 12 parents rights groups targeting public education, including Moms for Liberty.

"The good news was when everyone looked at it objectively, they said, *This is nonsense*."

— *Study Participant*

In both Utah (Cortez, 2018) and Colorado (Manganis, 2019), investigators said they were unable to replicate searches to retrieve the contested content. However, the inability to validate search results has not stopped these organizations from lodging further complaints.

One participant in our study reported receiving a barrage of challenges to database content from a single individual with ties to PINE for titles referencing keywords such as "Hot Hot Sex" (a Brazilian song used in an Apple commercial), as well as dated slang like "badonkadonk" (a term coined by rapper Keith Murray and later used by country singer Trace Adkins in the 2005 song "Honky Tonk Badonkadonk").

"They would take images that weren't actually found in the database and kind of ransom-note it so it looked way more risqué. That was a technique they used quite often. This patron had sent me a lot of the materials that she was reading about and learning from this other person. This patron was not very technically savvy. So if I would ask questions about how she got to materials, they would have to go back to the originator to say, "Oh, this is how we found it." There is some back and forth where I was just like, okay, this is being coached."

— *Study Participant*

"The good news was when everyone looked at it objectively, they said, This is nonsense."

— *Study Participant*

"They would take images that weren't actually found in the database and kind of ransom-note it so it looked way more risqué. That was a technique they used quite often."

— *Study Participant*

“THEY’RE ANTI-LGBT. THERE’S A TON OF TRANSPHOBIA JUST REALLY DRIVING HOME THIS IDEA THAT ANY BOOKS THAT AFFIRM OR INCLUDE STORYLINES OR TRANS PEOPLE ARE INDOCTRINATING CHILDREN.”

— Study Participant

KEY FINDING 2: NORMAL SCHOOL USE

Students use databases for school, not porn. The pornography claim against EBSCO in Utah was emailed to a state senator on Thursday, September 20, 2018, per the Utah Education and Telehealth Network (UETN) Governing Board meeting minutes (UETN, 2018a). The report was immediately passed to the UETN, which contacted EBSCO. On Friday night, local news published a story, "Utah Mom Finds Pornographic Pics on Utah Education Network Database," citing a statement from the Utah Education Network that most services would be available through the weekend (Jones, Pflaum, & Roberts, 2018). The next day, the UETN abruptly disabled access to EBSCO K-12 products across the state (Bromberg, 2020). EBSCO products remained blocked until the Board voted unanimously to restore access on October 19, nearly a month later.

During the shutdown, UETN staff tested filters using blocked and banned words and search terms submitted by the public. However, UETN Board minutes revealed they were unable to replicate searches for "inappropriate materials" submitted by the public (2018d). Notably, during the public comment period of a UETN Board meeting on October 19, an attendee read aloud explicit excerpts she claimed to find in the database the evening before. The Board reminded attendees that because access to the database was shut down at that time, "anyone who had accessed such materials *found them elsewhere*" (Cortez, 2018, emphasis added).

Since reinstating database access in October 2018, the Utah Education Network (UEN) has monitored student accounts and searches conducted in EBSCO K-12 databases throughout the state and published quarterly reports on the most frequently searched terms across the organization's accounts (UEN, n.d.-a). For example, the UEN's October - December 2020 report notes the organization monitored 4,374,348 search queries during these "heavy research months," adding the searches "seem to be for legitimate research purposes as desired," rather than students seeking out pornographic content (UEN, n.d.-b).

Library Futures compiled the search terms listed in the available UETN reports to identify top trends in EBSCO database searches. The word cloud at the end of this section represents terms that appeared more than 10 times across the 21 quarters measured (Figure 8). The most

"In looking at the most searched terms over the past 3 months, it appears to be of normal school use and for what seems to be student research."

— UETN EBSCO Quarterly Reports, 2023 (Q4, Q3, Q2, Q1), 2022 (Q4, Q3, Q2, Q1), and 2021 (Q4, Q3, Q2, Q1)

commonly searched terms, which appeared as top searches in all 21 reports, were social media, tiger, coronavirus, climate change, abortion, and gun control.[15] An alternate view of this data is available as a table in Appendix C.

The claim that kept students from conducting these searches in EBSCO K-12 databases during Utah's 2018 database shutdown originated with a conservative blogger who had been working with the parents responsible for the EBSCO/CLiC lawsuit in Colorado and with Family Watch International (Jones & Pflaum, 2018a), an organization designated by the Southern Poverty Law Center as a hate group for its anti-LGBTQIA+ advocacy, including the use of conversion therapy (Southern Poverty Law Center, n.d.-a). A representative from Family Watch International told a reporter that she was collaborating with "dozens of conservative organizations to shame Utah into ending their contract with EBSCO" with plans to expand advocacy nationwide and target congressional hearings (Jones & Pflaum, 2018a).

NCOSE's 2020 "proof" files against EBSCO claims to reveal how to use database hopping (in this case, a six-step process) to transition from an elementary school database using the search term "pornhub" to retrieve content from Pornhub through links in articles indexed in a different EBSCO product, Academic Search Complete (a database curated for older scholars at college, university, and some public libraries). The strategy relies on advanced search techniques uncommon among students:

1. Expanding a search query beyond the database the user is logged into.
2. Navigating into a visually different user interface.
3. Conducting a new search.
4. Locating an article of interest.
5. Browsing its bibliography to locate and click a live hyperlink.
6. Locating and clicking on additional hyperlinks within the newly opened website.

Database searching is a complex activity that librarians have devoted significant professional time and expertise to, as evidenced by the field's abundance of scholarship on topics such as information literacy (Association of College & Research Libraries, 2016), one-shot instruction vs. curricular integration (ALA, 2021a; Jarson, 2010), and assessing learning outcomes (Goss, 2022). Libraries also work hard behind the scenes to make users' experience seamless and educational. Therefore, it's not surprising that an adult authenticating from an unprotected home internet device could misunderstand how or at what point their search might transition from a library resource to the open web. This was addressed by Jarred Masterson (representing Colorado Rural Schools Alliance, Colorado Association of School Boards, and Colorado Association of School Executives) in testimony against Colorado SB 19-048:

> "One of the issues that has specifically been raised around the EBSCO platform is it is possible to wind up on a PDF, just a scanned magazine article, and through reading that article finding a footnote that links you out to another webpage on the internet and then from there being able to link out to yet a third page on the internet and click an advertisement on that page and go into a fourth site. And so at that point you've

15 Considering the prevalence of searches for gun control, climate change, and abortion, it is worth noting the results of the 2024 Lumina Foundation-Gallup State of Higher Education study, which found 70%-80% of people "considering or currently pursuing a two- or four-year degree say policies related to reproductive healthcare, guns and restrictions of curriculum are at least somewhat important to their decision whether to enroll or remain enrolled in a program."

"...at that point you've removed yourself quite a bit from the original EBSCO search and the original document that was found from that library resource material. You've transitioned through several different steps and are on the Internet at large. "

— Jarred Masterson, Colorado General Assembly Testimony

removed yourself quite a bit from the original EBSCO search and the original document that was found from that library resource material. You've transitioned through several different steps and are on the Internet at large. So if you're on school district property, school districts are already filtering for that.

— Jarred Masterson, Colorado General Assembly Testimony

All evidence points to the fact that students do not on the whole have easy access to porn on school computers, and it's not what they're looking for. Instead, librarians interviewed found that the parents alleging porn are part of a coordinated campaign, looking through databases (and often beyond them) with an agenda.

Figure 8: The word cloud represents terms that appeared more than 10 times across the 21 quarters measured in UETN reports on EBSCO database searches. Word size corresponds to frequency across the reporting timeline, with larger words appearing more frequently.

PUBLIC COMMENT
(UETN, 2018B)

The comments below were submitted to the UETN during the 2018 EBSCO shutdown.

PARENT:

"I'm very alarmed to see that access to the EBSCO databases has been suspended. As a parent, I value the resources that allow my children to gain the information literacy skills they require to function in this digital world."

STUDENTS:

"Yesterday I was working on a research project for school and I found a terrific primary source on the EBSCO: High School tab. However, I failed to put it in my bibliography or print it and I am currently unable to access anything in the EBSCO section. I was wondering why this was happening and if there is anything that can be done so I could use it again."

"Why is EBSCO unavailable?"

"I see that ebsco is down right now. I was wondering how long it will be until it is up and running again. I have an important paper due and I need it back up."

TEACHER:

"Curious as to why EBSCO isn't working. My students are in the middle of a paper in which they had looked up articles on EBSCO and now cannot get access to them. Will this be fixed soon?"

KEY FINDING 3: SELF-CENSORSHIP

Frequent content challenges, state bills targeting library materials, threats of legal action, and personal attacks have all increased self-censorship by librarians. Ambiguity in legislation leads some librarians to proactively removing content from their collections, particularly when a resource references sex or has LGBTQIA+ characters.

While the case against CLiC in Colorado was ultimately dismissed, the damage was done from the moment parents began to threaten legal action in 2018. Fear of criminalization led school district administrators to preemptively shut down EBSCO, disrupting thousands of students with no official legal rationale. We found evidence of a similar chilling effect across states. Participants reported that content challenges have resulted in districts dropping consortial memberships or removing all access to e-resources for students and staff otherwise available through the state.

> "The results of those challenges have caused some of our members to have to leave the consortium. Just remove access to their students and staff."
>
> — *Study Participant*

Writing a first-person account of the EBSCO pornography allegations that swept into his own non-profit library consortium, Jim Duncan noted "154 schools in Colorado have dropped their subscriptions to EBSCO databases" over a two-year period (2019).

In Texas, HB900 caused fear for librarians and vendors alike. To prepare for the requirement—since ruled unconstitutional—that vendors rate books sold to schools for sexual explicitness and relevance, Follett School Solutions issued a memo asking publishers to rate their own books. Hachette, one of the largest educational and trade publishers in the world, refused, voicing their disagreement for the record with *Publishers Weekly* (Albanese, 2023a):

> "We strongly disagree with the idea that rating our books to flag certain content, or having retailers or wholesalers do this, is appropriate or helpful. We trust our teachers, trust our librarians, trust our parents, trust our student readers who are hungry to experience the world in all the ways that books allow. And we trust the processes of professional review and community input that have been in place for decades."
>
> — *Hachette Book Group*

It is a common impulse for administrators to immediately shut down access to entire collections or content categories at the hint of controversy. Even before the landscape shifted into its current state of volatility, administrative questions over appropriateness could empty a virtual shelf with one mouse click. For example, one participant described such a response when their public library, which partners with a public school, discovered a subsection of a comics database categorized as "erotica." This subsection impacted only 20 titles of the ~30,000 collection, but the label was censored within 30 minutes of the report, effectively cutting off access for all patrons, no matter their age. The library had received no complaints about this label and had no evidence that anyone had accessed it, but it caused significant alarm among library administrators at the school. While shutting off access to a collection of "erotica" in a student database is likely the right choice, the ability to completely shut off entire categories of materials for all patrons within 30 minutes is an unprecedented amount of sweeping power and control, particularly when some vended collections are so large as to not be systematically reviewed by library staff.

What makes this instinct especially troubling is that less extreme and sweeping technical solutions exist. In some cases, such as the one noted above, records are manually loaded into the library catalog and items deemed inappropriate for a library's collection can be individually removed. Alternatively, juvenile cards can be configured to limit the types of materials underage patrons can check out. In other libraries, parents or guardians are allowed to decide whether materials categorized as "adult" can be loaned. It may also be possible to advocate for vendors to reclassify specific e-resources. While there is no one-size-fits-all solution for all libraries or material types, these local controls are worth considering when discussion turns to shuttering of entire collections or content categories.

"People are self-censoring those books. They're weeding them. They're hiding them."

— Study Participant

KEY FINDING 4: LOCAL CONTROLS

The self-censorship triggered by content bans extends beyond librarians to groups with even broader power to restrict content access: school library administrators, school and library boards, and information vendors. While local control through filtering, stopwords, and other restrictions by administrators can be an effective way for vendors, consortia, and state agencies to allow for tailored collections across diverse communities, they can also result in content suppression that ultimately hides beneficial content from students.

Participants in our study who offer a vast array of resources across library systems to diverse user populations considered local control filters a value add. These filters allow for content access levels and grade leveling, which enables system administrators to change the grade level at which a specific title can be accessed (e.g., moving a title from middle school to high school access) while also allowing local librarians to customize access for their schools or even individual students (e.g., a parent or guardian consents to higher-access levels than the school otherwise allows for a student's grade level).

> "We have worked tirelessly with [the vendor] to put in some content access levels to meet our communities where they're at because we have very different communities around [the state] with different boards, different tolerance levels, whatever. And so rather than saying it has to be all or nothing, because all or nothing means we lose those districts altogether...we've been able to have different content access levels so specific systems can actually hide titles and that does not affect the consortium at large, which previously was not in place. That development was huge because it allows districts to still have access to materials but also work within the confines of their administration."
>
> — *Study Participant*

As one participant noted, wide-scale and potentially harmful local filtering tends to increase when organizations such as NCOSE and Moms for Liberty direct misinformation campaigns toward a specific library or school board.

> "Some of those filters that they have on top of it means you can't find an article about breast cancer, so it is censorship across the board. It's really challenging, for sure. But we don't want these teachers or librarians to lose

"The content is still there. They haven't removed it, but it becomes much more difficult to find. This is referred to as digital redlining."

— Study Participant

> their jobs. So if they need to de- escalate things in order to continue to use the rest of the resources, it is up to each person to make those decisions about how they can continue to push for intellectual freedom at a time when it's very challenging."
>
> — *Study Participant*

Another participant described a situation in which an information technology department, rather than the library, restricted categories of content tagged as "child pornography" and "sexual abuse" in school library databases, blocking the academic articles and information for survivors that are included in library databases and cataloged under this heading.

> "There's probably a lot of teenagers that could use that sexual abuse category... There was no consideration of when you delete the whole category, you're censoring good things and things that maybe you do want to censor, right? Maybe there's something that's not appropriate for kids, but, even the idea of 'child pornography,' there's not going to be child pornography in the database. There's going to be academic articles about a child of sexual abuse. But they delete it when they just censor the whole category."
>
> — *Study Participant*

While book bans garner media attention, our research finds the use of stopwords, particularly when executed without collaboration or communication with the information professionals who make collection decisions for their communities, can result in censorship.

> "I can tell you that over the last 5 years companies have put in place search term filters within their own products to prevent surfacing even legitimate material. That might be key to that term. So here would be a legitimate piece of material. A factual news article reported about a convict or somebody was sentenced to jail for, among other things, car theft, murder, bestiality. If it appeared as a term in a news article, and those terms do appear, then it would be suppressed and not surfaced in a result."
>
> — *Study Participant*

Stopwords also create debilitating hurdles for both students and educators attempting to navigate databases using natural language, which can have the same effect as censorship even when the content sought has not been removed. To further complicate matters, stopwords are sometimes implemented by vendors without their sharing with libraries how stopwords are used in the vendor's discovery system. One participant noted vendor concern of losing access-oriented customers as the rationale for this lack of disclosure about these vendor-implemented restrictions.

> "If you search [a stopword], nothing is going to come up. If you put in 'sex,' nothing is going to come up. If you're researching sexual discrimination, as an example, it won't pull anything up because you've got 'sexual.' That is in response to complaints and things like that. So [databases] have these stopwords, but if you have a little bit more knowledge... and you put in Title 9, then all the sexual discrimination stuff comes up and you'll see it as a subject heading, and then you can click on it and it will pull everything up... But a lot of librarians and a lot of people who do research don't know that [content is] there in the database and so don't know how to do the workaround for it to help kids do the research they need to do."
>
> — *Study Participant*

While freedom to read advocates see the questions of implementing local controls that are reflective of community values as an opportunity for information vendors and librarians to be in conversation and partnership with one another, censorship advocates disagree. For example,

"A factual news article reported about a convict or somebody was sentenced to jail for, among other things, car theft, murder, bestiality. If it appeared as a term in a news article, and those terms do appear, then it would be suppressed and not surfaced in a result."

— Study Participant

Brandy Howard of Moms for Liberty testified before the Tennessee General Assembly Criminal Justice Subcommittee in early 2022 in support of a censorship bill (HB1944). Howard pointed to "barriers between students and resources" identified in the ALA's interpretation of the *Library Bill of Rights* for school librarians—"Access to Resources and Services in the School Library: An Interpretation of the Library Bill of Rights" (ALA, 2014)—and objected to the ALA's description of the following as "barriers:"

- Age, grade-level, or reading-level restrictions
- Limiting access to electronic information
- Requiring permission from parents or teachers

The Moms for Liberty representative suggested that the ALA's stance has resulted in poor filtering in libraries and represents an underlying problem with the organization's (over)commitment to access. Indeed, pressure groups have successfully advocated for increased restrictions, resulting in an increase in state legislation requiring implementation of local parental controls that further infringe on students' rights to privacy. For example, in early 2022, Follett School Services said it would add a feature to the Destiny library management system to allow parents to "track and limit what their children check out from the library" (Breeding, 2022). They later reversed course and said they cannot build such a feature (Maughan, 2022).

While Follett abandoned the decision to track students following concerns from librarians about "student privacy and the harm that monitoring tools would pose for more vulnerable students, especially those in the LGBTQA community," school districts are still on the hook for the tracking and parental notification requirements that are implemented by state law and school board policy. Some schools have taken alternative approaches to compliance. For example, a Florida school district provides step-by-step instructions for parents to access, review history, and prohibit materials by logging in to Follett and OverDrive using their child's username and password (School District of Lee County, n.d.-a; Bradbury, 2023). In challenged material reviews posted to the district's website, the comments note the availability of the prohibited media feature as rationale for retention of the books challenged as "pornography" (School District of Lee County, n.d.-b).

There is a conflict between the ethics of student privacy and access with new and draconian requirements of legislatures and school boards that may violate long-held professional norms. New technologies allow parents, educators, and legislators unprecedented control over students, but it comes at the cost of the rights of children.

“SOME OF THOSE FILTERS THAT THEY HAVE ON TOP OF IT MEANS YOU CAN’T FIND AN ARTICLE ABOUT BREAST CANCER, SO IT IS CENSORSHIP ACROSS THE BOARD.”

— Study Participant

KEY FINDING 5: INFLUENCE AND ESCALATION

Content challenges stem from a small, coordinated number of individuals with a disproportionate impact and, often, a willingness to bypass existing review processes through use of threats and intimidation.

The EBSCO pornography accusations in Colorado and Utah are examples of how individual actors can wreak havoc, generating a ripple effect that could take years to settle. In a 2017 public letter posted on the Christian Reformed Churches' website—updated in December 2023—the Colorado family described its journey toward holding EBSCO accountable, and claimed that they reached out to NCOSE with the tip about EBSCO, which resulted in the organization's appearance on the Dirty Dozen List for four years (Paterson, 2023).

Likewise, in 2019, a call to action was posted on Speak Up Texas, a conservative advocacy site aimed to help Texans take action against "woke public education systems" that "are fast-tracking the indoctrination of children in left-wing ideological agendas, alienating kids from their families and cultures, and undermining parental authority with the goal to enlist our youth on the wrong side of current culture wars." The post contains information about the state's EBSCO contracts, a brief description about the Colorado parents who "sued EBSCO for exposing their children to pornography," and a five-step "what you can do" action plan, reminding the reader (emphasis in original), **"One person speaking up makes a difference!"**

> **"We're going after the ones where we can get the police on it. That's a big part, we're going to call police, we're going to make police reports."**
>
> *— Brooke Stevens, Utah Parents United*

While seemingly innocuous, posts like these often trigger escalating attacks on libraries that include rapidfire challenges (Jensen, 2024), police action (Koebler, 2024), interference in state government processes (Kuhn, 2024), and even bomb threats and intimidation.

CONTENT CHALLENGES STEM FROM A SMALL, COORDINATED NUMBER OF INDIVIDUALS WITH A DISPROPORTIONATE IMPACT AND A WILLINGNESS TO BYPASS EXISTING REVIEW PROCESSES.

"These people who bring the challenges and concerns, they don't care that there's a process. They don't care that they could fill out a form. They want to be loud. They want to be hurtful. They want to see people punished at the end of the day. They want to see the books pulled immediately and just sort of leave this path of destruction. You have professional people who are doing the job they were trained to do, trying to serve all of their students, and they don't understand."

— *Study Participant*

Described as "aggressive" and "threatening" by most study participants, these campaigns expanded to include material in school libraries. Targets included Epic, a digital reading platform that offers over 40,000 children's books, with complaints about "divisive concepts" and LGBTQIA+ content.[16]

These pressure organizations often bypass existing review processes. One research participant described emails about the library's database content being sent directly to the Secretary of State and the state's bureau of investigation instead of first asking the library to conduct a standard review. Another intimidation tactic described by a participant involves recruiting district attorneys and/or local law enforcement to investigate "obscene" content at libraries, using their authority to threaten legal or criminal action.

INTIMIDATION TACTICS

Participants describe the recruitment of district attorneys and/or local law enforcement to investigate "obscene" content at libraries, using their authority to threaten legal or criminal action.[17]

"You could have a challenge policy that says, this is what we collect, and this is why, and we represent all points of view. But we don't have XY, and Z, right? Okay. That's all well and good. But what's happening now is that the people that want to censor books are actually really good activists. And they're just circumventing the policy. You have a policy. You have a form. Well, F your form. I don't care about your form. I'm complaining to the mayor's office. I'm calling my City Councilperson. I'm calling the cops."

— *Study Participant*

16 A 2021 TN law prohibited teaching about racism (Aldrich, 2021).

17 In a 2022 police report filed by Brooke Stevens of Utah Parents United, the responding officer noted, "During my years investigating these crimes [pornography complaints], there is no precedence of a criminal investigation I can reference, on a subject dealing in harmful material, based on a published literature book being checked out by a minor at a library public or private."

KEY FINDING 6: HARMFUL TO MINORS

Databases do not contain harmful materials, but a lack of access to materials harms minors who are looking to do legitimate school research.

Participants in our study noted high school students in their school districts are "very aware" of the conversations and activities happening around them that impact their access to library collections. Additionally, multiple participants shared how influential student advocates can be when connecting with state lawmakers and school boards to help them understand the impact that attempts at resource bans have on the students themselves.

In the face of escalating attacks against women and LGBTQIA+ people, even at the top branches of government, it is crucial that students are able to access uncensored, topical information through their schools and libraries. Youth advocacy and activism is a key component of anti-censorship work.

One participant praised the efforts of the Tennessee high school students who testified against SB1944 (Kennedy, 2022), effectively ending its chances of success for the legislative session:

"That's ultimately what helped get the bill sent to summer study. We have them to thank for that. The power of [the] youth voice in this has been effective and important... [Before testifying, the students made multiple trips to the state capital] just to meet in person with various legislators. It was important for those legislators to hear their stories and how these decisions were impacting them."

— *Study Participant*

"Kids understand what's happening, can understand the attack on their identity. They understand the attack on their friends and who they are and how they see the world. And they are angry and upset and hurt."

— *Study Participant*

IN THE FACE OF ESCALATING ATTACKS AGAINST WOMEN AND LGBTQIA+ PEOPLE, IT IS CRUCIAL THAT STUDENTS ARE ABLE TO ACCESS UNCENSORED, TOPICAL INFORMATION THROUGH THEIR SCHOOLS AND LIBRARIES.

Speaking before the Tennessee Senate Judiciary Committee on behalf of other students, one of the students said the bill, and others like it, "target needed educational resources across Tennessee schools, resources that are able to name and surround topics that make our youth more comfortable in their identities and environment and, most importantly, acknowledged, seen, and valued" (EdTrust).

> "I want to start out by pointing out that this is the first time in this bill's process that youth voice is being considered, that our thoughts are being included in a decision that impacts us and our education."
>
> — *Tennessee Student*

YOUTH ADVOCACY

Youth advocacy and activism is a key component of anti-censorship work. Student advocates can influence state lawmakers and school boards to help them understand the impact that attempts at resource bans have on the students themselves.

NEXT STEPS

Database content allegations presaged the current spike in book bans, and the impact of this current era of neo-censorship threatens to be wider and deeper. While book challenges can ban individual titles, digital content bans use stopwords to effectively obscure large and significant chunks of digital content. They threaten children's right to read, to research, and to reach important information.

The interviews we conducted found librarians and library patrons have been greatly troubled by the ways this legislative agenda has infiltrated U.S. libraries. Advocates for censorship, emboldened by content bans, often use hostile and discriminatory rhetoric to pursue their agenda. Their tactics feature petitions, email blasts, and in-person confrontation, rather than engaging in good faith with existing library content vetting processes. These challenges monopolize valuable public resources that could help rather than hinder students' access to information and education.

Much has changed since we began writing this report: The threats to democracy have intensified, and a new federal administration and Congress threaten to override many of the stopgaps put in place to protect access to information and student choice through appointments and enactment of policies outlined in Project 2025. State legislatures are fertile ground for fights on both sides, and anti-censorship advocates must organize themselves to combat all threats to student information access, digital and in print.

An initiative that bears mentioning is the Books Unbanned coalition led by a few large public libraries, which provides access to digital materials for students in districts with book bans. But initiatives like these, while admirable, are stopgaps for solving the issues of equitable access to information. Further, the library community must respond to the consolidation in digital information spaces that makes these attacks so damaging. For example, EBSCO materials are the primary digital research materials in many schools—targeting a single vendor can restrict a significant percentage of their collection, which would not be possible in a more diverse market. Library Futures looks forward to continuing to work on these issues with our partners, and welcomes new community connections to effect meaningful change on the market. Further, we applaud those who have been fighting censorship on the ground and seek to continue the good fight.

As libraries prepare for continued assaults on their budgets, the civil rights of their patrons, and the profession writ large, counteracting this strategy first requires uncovering it. Censorship is not new, but neither is activism against it—and libraries are at the center.

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ACRONYMS

ACLU
American Civil Liberties Union

ALA
American Library Association

BIPOC
Black, Indigenous, and People of Color

CLIC
Colorado Library Consortium

FBI
Federal Bureau of Investigation

FCC
Federal Communications Commission

HB
House Bill

IRB
Institutional Research Board

LGBTQIA+
lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, and more

NCOSE
National Center on Sexual Exploitation (AKA Morality in Media)

PINE
Pornography Is Not Education

SB
Senate Bill

UETN
Utah Education and Telehealth Network

GLOSSARY

FACIALLY UNCONSTITUTIONAL

A facial challenge asserts that a law is unconstitutional at all times, as opposed to unconstitutional in limited or specific circumstances (i.e., as-applied challenge). A successful facial challenge renders a law unenforceable for everyone, not only the plaintiff.

FIRST AMENDMENT

The First Amendment is defined in the Bill of Rights. It "provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances."*

HATE GROUP

As defined by the FBI, "An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity which differs from that of the members or the organization."

OBSCENITY

The Legal Information Institute describes obscenity as "a category of speech unprotected by the First Amendment. Obscenity laws are concerned with prohibiting lewd, filthy, or disgusting words or pictures." The Miller test is the U.S. standard for determining obscenity.

PORNOGRAPHY

The Legal Information Institute notes that the "presence of nudity or sexual acts in a piece of media does not necessarily make that media pornographic if the purpose of that media form is something other than sexual stimulation." Federal law prohibits transfer of "obscene" materials to minors.

PRESSURE GROUP

A pressure group is a special interest coalition working to influence policy in a particular direction, either through direct lobbying or other forms of advocacy. In the context of censorship, pressure groups often work not only to change policy, but to apply pressure to change public discourse.

PRURIENT

The U.S. Department of Justice defines prurient as "an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion" in its "Citizen's Guide to U.S. Federal Law on Obscenity."

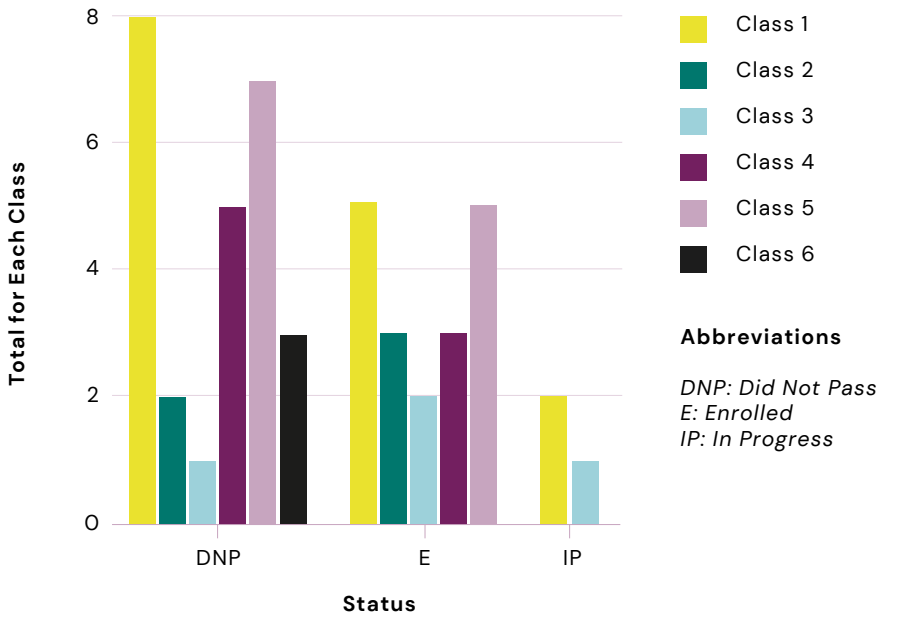
* This reference to The White House's website with information about the Constitution and Bill of Rights was updated with a link to the Wayback Machine following the page's removal from the government site in early 2025.

APPENDIX A: PINE CORPUS

The legislation included as the "PINE corpus" was retrieved from PINE's legislation website in Spring 2024. Bills are classified in the following six areas:

1. Removing education exemptions; enabling criminal and civil prosecution
2. Redefining obscenity, harmful to minors, and related terms
3. Requiring material ratings systems for state vendors
4. Establishing collective development or reconsideration policies or procedures
5. Reducing or restricting access to library e-resources
6. Requiring parental controls and/or notifications for library materials

CLASSIFICATION BY STATUS



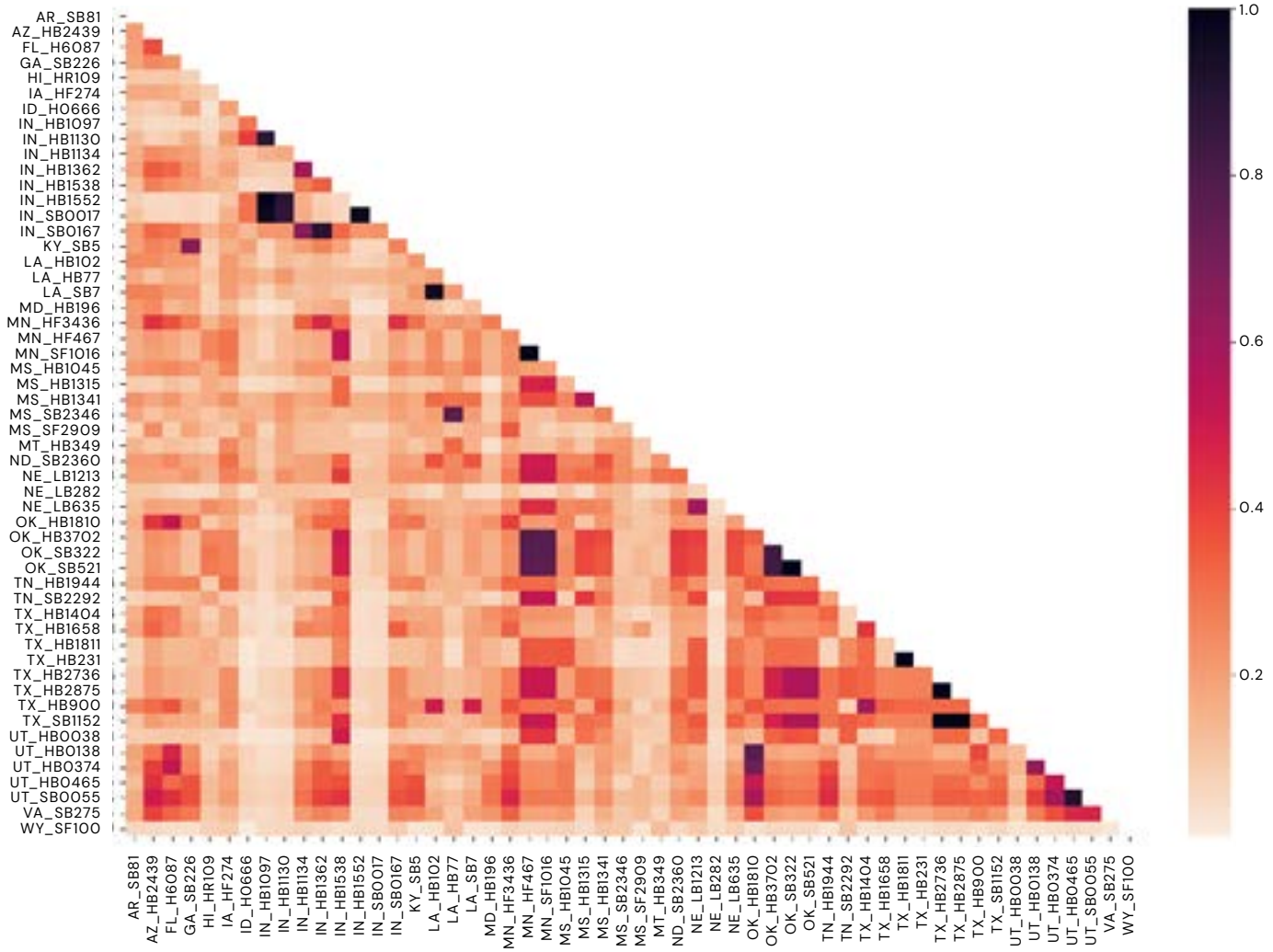
State	Bill	Year	Status	1	2	3	4	5	6
Colorado	19-048	2019	DNP						
Texas	HB3730	2019	DNP						
Georgia	HB1041	2020	DNP						
Idaho	H0522	2020	E						
Minnesota	HF467	2021	DNP						
Indiana	HB1538	2021	DNP						
Georgia	SB226	2021	E						
Utah	HB0038	2021	E						
Texas	HB1811	2021	DNP						
Nebraska	LB1213	2022	DNP						
Oklahoma	HB3702	2022	E						
Tennessee	HB2454	2022	E						
North Dakota	SB2360	2023	E						
Mississippi	HB1341	2023	DNP						
Nebraska	LB635	2024	DNP						
Illinois	HB5163	2024	IP						
Colorado	HB24-1247	2024	IP						

APPENDIX B: DOCUMENT SIMILARITY

We used term frequency-inverse document frequency (TFIDF) to measure document similarity within a subset of bills introduced from January 2021 to June 2023. There are several instances of bills within states being highly similar (e.g., HB2736 and HB900 in Texas). This can be attributed to bills being reintroduced, sometimes word for word, with different sponsors or in different legislative sessions. However, the similarity chart also signals a high degree of shared language between bills in different states. Darker shading signals a higher degree of similarity between two bills.

We investigated several methods and found term frequency-inverse document frequency the most effective for visualizing document similarity. Pairwise and cosine similarity metrics yielded the same results.

TFIDF PAIRWISE SIMILARITY



APPENDIX C: EBSCO DATABASE MONITORING

The table below is an alternate view of the data presented in "Key Finding 2: Normal School Use" It represents terms that appeared more than 10 times across the 21 quarters of public reporting conducted by the Utah Education and Telehealth Network in response to a claim of pornography in EBSCO databases in 2018.

SEARCH TERM FREQUENCY 2019-2023
(TERMS APPEARING >10 TIMES)

Search Terms	Frequency *(appearance across 21 timeframes of data collection)*
Social Media Tiger Coronavirus Climate Change Abortion Gun Control	21
World War 2	20
Death Penalty Depression Distance Education Dogs	18
Social Media and Mental Health	17
Artificial Intelligence Earthquake Racism Space Sports Video Games	16
Immigration Mental Health Nuclear Energy	15
American Dream Animal Testing Anxiety Football Holocaust	14
George Washington Global Warming Pollution Soccer	13
Cats Cell Phone Martin Luther King Jr Music Walt Disney	12
Amelia Earhart Homework Human Trafficking Police Brutality Rosa Parks Vietnam War	11